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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

IN RE: INSULIN PRICING LITIGATION

THIS DOCUMENT RELATES TO:

The People of the State of California,

Plaintiff,

v.

Eli Lilly and Company; Novo Nordisk Inc.;
Sanofi-Aventis U.S. LLC; CaremarkPCS
Health, LLC; CVS Health Corp.; Express
Scripts, Inc.; OptumRx, Inc.; and Does 1
through 100,

Defendants.

Case No.: 2:23-md-03080 (BRM)(RLS)
MDL No. 3080

Case No.: 2:24-cv-11488 (BRM)(RLS)

JUDGE BRIAN R. MARTINOTTI
JUDGE RUKHSANAH L. SINGH

SUPPLEMENTAL BRIEF REGARDING INQUIRY NOTICE

The People of the State of California submit this brief separately to explain why an order on inquiry notice should not apply to their action.

Substantively, inquiry notice is not an element of any of the tolling doctrines alleged by the People—specifically, the last overt act doctrine, the continuing violation doctrine, and the continuous accrual doctrine. D.N.J. No. 24-cv-11488, ECF 166 ¶¶ 257-60.

Under the last overt act doctrine, “the statute of limitations does not begin to run until the final act in furtherance of the conspiracy has been committed.” *People v. Beaumont Inv., Ltd.*, 111 Cal. App. 4th 102, 137 (2003). A plaintiff invokes the doctrine by alleging a conspiracy continuing into the limitations period. *People v. Williams*, 97 Cal. App. 3d 382, 389-90 (1979).

“The continuing violation doctrine aggregates a series of wrongs or injuries for purposes of the statute of limitations, treating the limitations period as accruing for all of them upon commission or sufferance of the last of them.” *Aryeh v. Canon Bus. Solutions, Inc.*, 55 Cal. 4th 1185, 1192 (2013). A plaintiff invokes the doctrine by alleging a pattern of reasonably frequent and similar acts occurring into the limitations period. *Id.* at 1198; *Komarova v. Nat’l Credit Acceptance, Inc.*, 175 Cal. App. 4th 324, 345 (2009) (applying doctrine to debt collection calls).

Under the continuous accrual doctrine, “a series of wrongs or injuries may be viewed as each triggering its own limitations period, such that a suit for relief [is] . . . timely as to those [wrongs or injuries] within the applicable limitations.” *Aryeh*, 55 Cal. 4th at 1192.

But even if inquiry notice was relevant to the People’s action, which it is not, it is a fact-intensive issue for the jury to resolve. *Rushing v. Williams-Sonoma, Inc.*, 2022 WL 2833980, at *5 (N.D. Cal. July 20, 2022).

Finally, the Court should address the remand motion prior to applying an inquiry notice ruling to the People’s action. *Ruhrgas Ag v. Marathon Oil Co.*, 526 U.S. 574, 587-88 (1999).

Dated: May 2, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this date, I caused a true and correct copy of the foregoing document to be filed electronically with the Clerk of the Court and served upon all counsel of record through the Court's CM/ECF system.

Dated: May 2, 2025

/s/ Darcie Tilly

Darcie Tilly